

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGFormal Case No. 712, In the Matter of the Investigation Into the Public Service Commission's Rules of Practice and Procedure

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Sections 2-505 (a), 34-706 (b), and 34-902, of the District of Columbia Code,¹ of its final rulemaking action taken on April 1, 2002, in Order No. 12361², amending Chapter 23 of Title 15 DCMR. The amendments to Chapter 23 update the Commission's rules governing the safety of pipeline facilities and the transportation of natural gas. Specifically, the Commission modifies its civil penalty provisions to make them conform to the Federal civil penalty provisions provided for in the Pipeline Safety Regulations³ at the time of the violation.

2. A Notice of Proposed Rulemaking was published on April 12, 2002, at 48 D.C. Reg. 3503-3504 (2002). Comments were received from the Office of the People's Counsel ("OPC")⁴ and Washington Gas Light Company ("WGL").⁵ No reply comments were received. The Commission, in Order No. 12448⁶, approved amendment of Chapter 23 of 15 DCMR, effective upon publication of this Notice of Final Rulemaking in the D.C. Register. Additional copies of the final rules may be obtained by writing Sanford M. Speight, Acting Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., 2nd Floor, West Tower, Washington, D.C. 20005.

¹ D.C. Code, 2001 Ed. § 2-505 (a); D.C. Code, 2001 Ed. § 34-706 (b); and D.C. Code, 2001 Ed. § 34-902.

² *Formal Case No. 712, In the Matter of the Investigation into the Public Service Commission's Rules of Practice and Procedure*, Order No. 12448, rel. August 7, 2002.

³ 49 C.F.R. § 190.223 (a) (2000).

⁴ See Comments of the Office of People's Counsel (May 10, 2002).

⁵ See Comments of Washington Gas Light Company (May 14, 2002).

⁶ *Formal Case No. 712, In the Matter of the Investigation into the Public Service Commission's Rules of Practice and Procedure*, rel. April 1, 2002.

3. The following provisions are amended to read as follows:

CHAPTER 23 NATURAL GAS

2398 PENALTIES

- 2398.1** Failure to comply with this chapter may result in the penalties described in D.C. Code, 2001 Ed. §§ 34-706 and 34-731, for failure to comply with Commission rules and regulations.
- 2398.2** In accordance with D.C. Code, 2001 Ed. § 34-706 (b), any person who violates any regulation issued by the Commission governing safety of pipeline facilities and the transportation of gas shall be subject to a civil penalty not to exceed Twenty-Five Thousand Dollars (\$25,000) or a greater maximum penalty established by federal laws and regulations at the time of the violation for each violation for each day that the violation persists.
- 2398.3** The maximum civil penalty shall not exceed Five Hundred Thousand Dollars (\$500,000) or a greater maximum penalty established by federal laws and regulations at the time of the violation for any related series of violations.
- 2398.4** Any person who refuses to provide natural gas safety records upon proper request of the Commission shall be subject to the penalties set forth in D.C. Code, 2001 Ed. § 34-705.